

By: Huffman

S.B. No. 1495

A BILL TO BE ENTITLED

1 AN ACT
2 relating to certain criminal offenses related to highways and motor
3 vehicles; creating a criminal offense; increasing a criminal
4 penalty.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 42.03, Penal Code, is amended by
7 amending Subsection (c) and adding Subsection (d) to read as
8 follows:

9 (c) An offense under this section is a Class B misdemeanor,
10 except that the offense is a state jail felony if it is shown on the
11 trial of the offense that the offense was committed in furtherance
12 of:

13 (1) an offense under Section 545.420, Transportation
14 Code; or

15 (2) a reckless driving exhibition.

16 (d) For purposes of this section, "reckless driving
17 exhibition" means an operator of a motor vehicle intentionally:

18 (1) breaking the traction of the vehicle's rear tires;

19 (2) spinning the vehicle's rear tires continuously by
20 pressing the accelerator and increasing the engine speed; and

21 (3) steering the vehicle in a manner designed to
22 rotate the vehicle.

23 SECTION 2. Section 545.401(b), Transportation Code, is
24 amended to read as follows:

1 (b) An offense under this section is a misdemeanor
2 punishable by:

3 (1) a fine of not less than \$1,000 or more than \$4,000
4 ~~[not to exceed \$200]~~;

5 (2) confinement in ~~[county]~~ jail for a term not to
6 exceed one year ~~[not more than 30 days]~~; or

7 (3) both the fine and the confinement.

8 SECTION 3. Subchapter I, Chapter 545, Transportation Code,
9 is amended by adding Section 545.4205 to read as follows:

10 Sec. 545.4205. SPECTATOR OF RECKLESS DRIVING EXHIBITION OR
11 RACING ON A HIGHWAY PROHIBITED; CRIMINAL OFFENSE. (a) A person
12 commits an offense if the person knowingly attends as a spectator:

13 (1) an exhibition of conduct prohibited under Section
14 545.420 or a reckless driving exhibition, as defined by Section
15 42.03, Penal Code; or

16 (2) preparations for an event described by Subdivision
17 (1).

18 (b) For the purposes of Subsection (a), a person is present
19 at an exhibition if the person is in proximity to the exhibition or
20 preparations for an exhibition.

21 (c) An offense under this section is a Class C misdemeanor
22 punishable by a fine not to exceed \$500.

23 SECTION 4. The changes in law made by this Act apply only to
24 an offense committed on or after the effective date of this Act. An
25 offense committed before the effective date of this Act is governed
26 by the law in effect when the offense was committed, and the former
27 law is continued in effect for that purpose. For purposes of this

1 section, an offense was committed before the effective date of this
2 Act if any element of the offense occurred before that date.

3 SECTION 5. This Act takes effect September 1, 2021.